

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**In re:**

**Richard A Kozarits  
Kimberly Kozarits**

**Debtor.**

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: **Case No.: 19-36181**  
: **Chapter 13**  
: **Judge Deborah L. Thorne**  
: \* \* \* \* \*  
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**NOTICE OF FAILURE TO COMPLY WITH ORDER**

Now comes Fifth Third Bank, National Association, its successors and assigns (hereinafter, "Creditor") by and through counsel, and certifies to this Court that Richard A Kozarits and Kimberly Kozarits ("Debtor") has failed to comply with the Order entered by the Court on May 26, 2022, a copy of which is attached hereto as Exhibit "A", by failing to make timely payments in accordance with the Order. Pursuant to the Order, the automatic stay will terminate upon the filing of the Notice of Failure to Comply with Order.

Creditor hereby advises the Court that Debtor is delinquent for the March 1, 2022 payment and for all arrears that were due on the same date.

The Chapter 13 Trustee shall discontinue all payments to Creditor on its claim under the Chapter 13 plan filed by the Debtor(s).

WHEREFORE, upon the filing of the Notice of Failure to Comply with Order, the stay is terminated without further hearing.

Respectfully submitted,

/s/ Todd J. Ruchman

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Todd J. Ruchman (6271827)  
Keith Levy (6279243)  
Adam B. Hall (0088234)

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P.O. Box 165028  
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Attorneys for Creditor  
The case attorney for this file is Todd J.  
Ruchman.  
Contact email is  
tjruchman@manleydeas.com

**CERTIFICATE OF SERVICE**

I certify that on the date of filing, a copy of the foregoing Notice of Failure to Comply with Order was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Marilyn O Marshall, courtdocs@chi13.com

David H Cutler, Attorney for Richard A Kozarits and Kimberly Kozarits,  
cutlerfilings@gmail.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Richard A Kozarits and Kimberly Kozarits, 8S336 Vine Street, Burr Ridge, IL 60527

Fifth Third Bank, Attn: Bankruptcy, 38 Fountain Square Plaza, Cincinnati, OH 45263

/s/ Todd J. Ruchman

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## UNITED STATES BANKRUPTCY COURT

## NORTHERN DISTRICT OF ILLINOIS

## Eastern Division

In Re:

Richard A Kozarits

Kimberly Kozarits

Debtor(s)

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BK No.: 19-36181

Chapter: 13

Honorable Deborah L. Thorne

**ORDER ON CREDITOR'S MOTION TO APPROVE AMENDED AGREED ORDER  
RESOLVING CREDITOR FIFTH THIRD BANK, NATIONAL ASSOCIATION'S MOTION  
FOR RELIEF FROM STAY FOR PROPERTY LOCATED AT 8S336 VINE STREET,  
HINSDALE, IL 60521**

This matter coming to be heard on the Motion to Approve Amended Agreed Order which was filed in this court by Fifth Third Bank, National Association ("Creditor"), Creditor and Richard A Kozarits and Kimberly Kozarits (collectively, "Debtor"), by and through their attorneys have agreed to a course of action which will condition the continuation of the automatic stay upon certain provisions incorporated herein for the protection of Creditor;

Debtor failed to make regular monthly mortgage payments to Creditor and is currently in default for the months of November 2021 through May 2022, incurring a total post-petition arrearage of \$31,492.69, which consists of 7 post-petition payments for November 1, 2021 through May 1, 2022 at \$4,484.67 each and attorney fees and costs of \$100.00 for the Notice of Default. There is \$2,932.50 in post-petition suspense reducing the post-petition default to \$28,560.19.

IT IS ORDERED that:

1. This Amended Agreed Order amends the previous Agreed Order resolving the Motion for Relief from Stay entered on May 18, 2021 at docket number 71.
2. In order to partially eliminate the post-petition delinquency, Debtor agrees to submit to Creditor and Creditor agrees to accept a lump sum payment in the amount of \$5,500.00 on or before May 15, 2022 reducing the post-petition delinquency to \$23,060.19.
3. In order to eliminate the post-petition delinquency, Creditor must receive the following payments by the corresponding dates:
  - a. \$1,921.71 on or before June 20, 2022;
  - b. \$1,921.68 on or before July 20, 2022;
  - c. \$1,921.68 on or before August 20, 2022;
  - d. \$1,921.68 on or before September 20, 2022;
  - e. \$1,921.68 on or before October 20, 2022;
  - f. \$1,921.68 on or before November 20, 2022;
  - g. \$1,921.68 on or before December 20, 2022;
  - h. \$1,921.68 on or before January 20, 2023;
  - i. \$1,921.68 on or before February 20, 2023;
  - j. \$1,921.68 on or before March 20, 2023;
  - k. \$1,921.68 on or before April 20, 2023;

1. \$1,921.68 on or before May 20, 2023.

4. Creditor must receive the payments listed in Paragraph #2 and Paragraph #3 on or before the corresponding date. If Debtor fails to pay any scheduled payment detailed above Creditor will send Debtor and their attorney a Notice of Default. If the Debtor fails to bring the loan post-petition current within ten (10) calendar days after mailing notification to the Debtor and their attorney, the stay will be automatically terminated as to Creditor, its principals, agents, successors and/or assigns as to the subject property, upon filing a Notice of Failure to Comply with Order with the clerk of the court.

5. Debtor must continue to make timely post-petition mortgage payments directly to Creditor beginning June 1, 2021.

6. Creditor must receive ongoing post-petition mortgage payments on or before the date in which the payment is due. If Debtor fails to pay any scheduled payment, Creditor will send Debtor and their attorney a Notice of Default. If the Debtor fails to bring the loan post-petition current within ten (10) calendar days after mailing notification to the Debtor and their attorney, the stay will be automatically terminated as to Creditor, its principals, agents, successors and/or assigns as to the subject property, upon filing a Notice of Failure to Comply with Order with the clerk of the court.

7. If Creditor has to send a Notice of Default, the Debtor shall pay \$100.00 per notice, as attorney fees, in addition to whatever funds are needed to cure the default prior to the expiration of the allowed cure period.

8. If this bankruptcy proceeding is converted to Chapter 7, dismissed or discharged, this Order shall be terminated and have no further force or effect.

/s/Todd J Ruchman  
Attorney for Creditor

/s/Michelle Mandroi  
Attorney for Debtor

Enter:



Honorable Deborah L. Thorne  
United States Bankruptcy Judge

Dated: May 25, 2022

**Prepared by:**

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